

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ARTHUR JAMES GILSTRAP, #743455 §
VS. § CIVIL ACTION NO. 6:06cv173
TUJWANDA ROCHELL DAVIS, ET AL. §


ORDER OF DISMISSAL

Plaintiff Arthur James Gilstrap, a prisoner confined in the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against his sister and brother-in-law for cashing his certificate of deposit and putting the money in their account to spend it. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the lawsuit should be dismissed as frivolous and for failure to state a claim upon which relief may be granted in accordance with 28 U.S.C. § 1915A(b)(1). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the Plaintiff are without merit. Indeed, the Defendants were not acting under color of state law, and the Plaintiff's civil rights lawsuit against them is frivolous. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby denied.

SIGNED this 30th day of June, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE